REMARKS

Claims 1-22 remain pending in this patent application. No new matter has been added as a result of the Claim amendments.

Rejection under 35 U.S.C. § 102(e)

Claims 1-22stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mathews et al., (2003/0098879) hereafter "Mathews". Applicant has reviewed the cited reference and respectfully submits that Mathews does not anticipate the present invention for the following rationale.

Applicant respectfully submits that Claim 1 (and similarly Claim 8) states "A method of managing a testing task, said method comprising:
   receiving a plurality of test cases to run, each test case including a plurality of requirements for running said respective test case;
   receiving an identification of a group of available test systems on which to run said test cases;
   for each test case, determining a list of applicable test systems from said group that satisfy said requirements of said respective test case;
   automatically selecting and starting test cases to run based on each respective list and said available test systems so that as many test cases as possible are run in parallel;
   when any test case finishes running and releases a test system to said group of available test systems, automatically selecting and starting an additional test case to run if possible based on said respective list and said available test systems; and
   providing the results of the testing task" (emphasis added).

According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration" (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Applicants have reviewed Mathews and do not understand Mathews to anticipate the features as Claimed. In contrast, Applicants understand the present Office Action to selectively pick different embodiments of Mathews to meet the Claimed features.

For example, Applicants understand Mathews to teach a test server engine 24 which receives test instances and places test instances in a database. However, Applicants do not understand the test server engine 24 of Mathews to "receiving an

identification of a group of available test systems on which to run said test cases; for each test case, determining a list of applicable test systems from said group that satisfy said requirements of said respective test case; <u>automatically selecting and starting test cases</u> to run based on each respective list and said available test systems so that as many test cases as possible are run in parallel;" (emphasis added).

In contrast, Applicants understand Mathews to teach the client system 32 is capable of <u>requesting a test instance</u> any time client system 32 is sitting idle. Further, Applicants understand the test server engine, upon <u>receiving requests</u> for tests from client systems 32, to retrieve tests based on a queue (emphasis added).

Thus, Applicants respectfully submit that the test server engine 24 of Mathews does not receiving an identification of a group of available test systems on which to run said test cases; for each test case, determining a list of applicable test systems from said group that satisfy said requirements of said respective test case; <u>automatically selecting and starting test cases</u> to run based on each respective list and said available test systems so that as many test cases as possible are run in parallel" (emphasis added).

For this reason, Applicants respectfully submit that Claims 1 and 8 are not anticipated by Mathews as Mathews does not anticipate each element of the claimed invention.

In addition, Claim 1 (and similarly Claims 8 and 15) states, "<u>when any test case finishes running</u> and releases a test system to said group of available test systems, <u>automatically selecting and starting an additional test case</u> to run if possible based on said respective list and said available test systems" (emphasis added).

In contrast, Applicants understand Mathews to teach upon completion of a test, the client system 32 <u>can request</u> another test instance from test server engine 24 which will then access the test database, select a new test and provide the test to the client system.

Thus, Applicants do not understand Mathews to teach a test system "<u>when any test case finishes running</u> and releases a test system to said group of available test systems, <u>automatically selecting and starting an additional test case</u> to run if possible based on said respective list and said available test systems" (emphasis added).

For this additional reason, Applicants respectfully submit that the test server engine 24 of Mathews does not <u>automatically selecting and starting an additional test case</u> to run if possible based on said respective list and said available test systems" (emphasis added).

Therefore, Applicants respectfully submit that Claims 1 and 8 are not anticipated by Mathews as Mathews does not anticipate each element of the claimed invention, much less, each element of the claimed invention "arranged as in the claims" as recited in Independent Claims 1, 8 and 15.

As such, Applicant respectfully submits the rejection under 35 U.S.C. § 102(e) is overcome and that Independent Claims 1, 8 and 15 are in condition for allowance.

In addition, Applicant respectfully submits that Claims 3-7, 9-14 and 16-22 are dependent on allowable Independent Claims 1, 8 and 15, and recite further features of the present claimed invention. Thus, Applicant respectfully submits that Claims 3-7, 9-14 and 16-22 are also in condition for allowance.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-22 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
Wagner Blecher LLP

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/John P. Wagner, Jr./

John P. Wagner, Jr.
Reg. No. 35,398

Westridge Business Park
123 Westridge Drive
Watsonville, California 95076
(408) 377-0500